

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ACE AMERICAN INSURANCE COMPANY,	:	
<i>et al</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil No. 5:21-cv-02331-JMG
	:	
FIRST CALL ENVIRONMENTAL, LLC,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 9th day of January, 2023, upon consideration of Plaintiffs Bulk Chemicals, Inc., Illinois Union Insurance Company, and Ace American Insurance Company's Motion for Sanctions (ECF No. 68), Defendant First Call Environmental, LLC's Response in Opposition to Plaintiffs' Motion for Sanctions (ECF No. 72), and Plaintiffs' Reply to Defendant's Response in Opposition (ECF No. 77), **IT IS HEREBY ORDERED** Plaintiffs' Motion for Sanctions (ECF No. 68) is **GRANTED**.

IT IS FURTHER ORDERED the Parties shall submit a joint proposed jury instruction providing an adverse inference against Defendant by **Tuesday, January 10, 2023, at 5:00 p.m.** In the event the Parties cannot agree on a proposed jury instruction, each Party shall submit their own instruction.

BY THE COURT:

/s/ John M. Gallagher
JOHN M. GALLAGHER
United States District Court Judge